

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WELVIE JOHNSON,

Plaintiff,

No. CIV S-98-1721 EFB P

vs.

SUSAN HUBBARD, et al.,

ORDER

Defendants.

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. On April 27, 2007, plaintiff filed a document styled as a request for “emergency postponement.” Plaintiff alleges that an Institutional Gang Investigations (IGI) officer named Hilliard confiscated his legal documents without reason. By order filed May 16, 2007, the court vacated the trial date and, construing plaintiff’s request as a motion for a preliminary injunction, ordered defendants to respond within seven days. Defendants responded, asserting that the documents taken from plaintiff’s cell were returned to him within approximately one week. Plaintiff’s motion is therefore denied as moot.

On May 4, 2007, plaintiff filed a request for witnesses. By order filed November 29, 1999, the court instructed plaintiff on the procedures necessary to subpoena witnesses for trial.

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1 The Clerk of the Court will be directed to send plaintiff a copy of the scheduling order and blank
2 subpoena forms.

3 By order filed April 18, 2007, the court directed that motions *in limine* were to be filed
4 not later than May 15, 2007, and oppositions to those motions were to be filed not later than May
5 29, 2007. On May 15, 2007, defendants filed two motions *in limine* seeking to exclude expert
6 medical testimony by plaintiff and to exclude evidence of possible reimbursement by the state in
7 the event of a judgment against defendants. Plaintiff has yet to file responses in opposition to
8 those motions.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Trial is reset for September 11, 2007, at 10:00 a.m. in Courtroom No. 25;

11 2. A writ of habeas corpus ad testificandum issues separately to provide for plaintiff's
12 presence at trial;

13 3. Plaintiff's April 27, 2007, motion for injunctive relief is denied as moot;

14 4. The Clerk of the Court is directed to send to plaintiff a copy of the November 29,
15 1999, scheduling order and two issued blank subpoena forms for the purposes of securing
16 witnesses for trial; and

17 5. Plaintiff shall file his responses in opposition to defendants' motions *in limine* within
18 30 days of the date this order is served.

19 Dated: June 14, 2007.

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22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
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